

HOUSE BILL 2874

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 57,
relative to permitting the sale of wine at retail food
stores upon approval by local referendum.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 1, is amended by
adding the following as a new, appropriately designated section:

57-3-1__.

(a)

(1) This section shall be effective in any jurisdiction that authorizes the
sale of wine in retail food stores in a referendum in the manner prescribed by §
57-3-106.

(2)

(A) Except as provided in subdivision (a)(2)(B), if the county
election commission receives the necessary petition requesting the
referendum not less than forty-five (45) days before the date on which an
election is scheduled to be held, except for referenda scheduled to be
held with the regular November general election which shall be held
pursuant to § 2-3-204, the county election commission shall include the
referendum question contained in subsection (b) on the ballot.

(B) In counties having a population greater than nine hundred
thousand (900,000), according to the 2010 federal census or any
subsequent federal census, if the county election commission receives
the necessary petition requesting the referendum not less than thirty (30)
days before the date on which an election is scheduled to be held, the

county election commission shall include the referendum question contained in subsection (b) on the ballot.

(3) If the referendum is conducted in a jurisdiction, pursuant to § 57-3-106(g), authorized to hold the referendum in areas lying outside the corporate limits of those municipalities identified in such subsection, then the sale of wine in retail food stores shall be permitted in the areas of the county lying outside such municipalities.

(b) At any such election, the only question submitted to the voters shall be in the following form:

For legal sale of wine at retail food stores in _____

(here insert name of political subdivision).

Against legal sale of wine at retail food stores in _____

(here insert name of political subdivision).

SECTION 2. Tennessee Code Annotated, Title 57, Chapter 3, Part 2, is amended by adding the following language as a new, appropriately designated section:

57-3-2__.

(a) Notwithstanding any other law to the contrary, an additional class of licenses allowing the sale of wine at retail food stores is created. These licenses shall be known as “wine at retail food store licenses” and shall be issued by the alcoholic beverage commission; provided, that licenses shall only be issued to a retail food store located in a county or municipality that has authorized the sale of wine at retail food stores by local option election pursuant to Section 1 of this act. Sections 57-3-204(b)(2), (3) and (4), 57-3-404(e)(1) and (f), and 57-3-208, shall not apply to licenses issued pursuant to this section, provided, that any individual applicant applying for a license is twenty-one (21) years of age or older and has not been convicted of a felony subject to § 57-3-210(c); and, provided further, the commission may issue such a license to a corporation, limited liability company

or partnership doing business in this state. The annual license fee paid by a retailer licensed under this part shall apply to the wine at food store license.

(b) For purposes of this section “retail food store” means an establishment where food and food products, alone or in combination with grocery items typically found in retail food stores, are offered to the consumer and intended primarily for off-premises consumption. “Retail food store” does not include:

- (1) Roadside markets that offer only fresh foods and vegetables;
- (2) Food and beverage vending machines; or
- (3) Establishments selling only tobacco, beer or gasoline.

(c) Laws applicable to the issuance, renewal, suspension, and termination of retailer’s licenses issued pursuant to this part and the regulation of and operation by such license holders shall apply in the same manner to wine at food store licenses and license holders.

(d) A wine at retail food store license holder engaging in the business regulated hereunder or any employee thereof shall not make or permit to be made any sales to minors. Prior to making a sale of wine for off-premise consumption, the adult consumer must present to the license holder or any employee of the license holder a valid, government-issued document, such as a driver’s license or other form of identification deemed acceptable to the license holder that includes the photograph and birth date of the adult consumer attempting to make a wine purchase. Persons exempt under state law from the requirement of having a photo identification shall present identification that is acceptable to the license holder. The license holder or employee shall make a determination from the information presented whether the purchaser is an adult.

In addition to the prohibition of making a sale to a minor, no sale of wine for off-premises consumption shall be made to a person who does not present such a document or other form of identification to the license holder or any employee of the license holder; however, it is an exception to any criminal punishment or adverse administrative action, including license suspension or revocation, as provided for a violation of this section if the sale was made to a person who is or reasonably appears to be over fifty (50) years of age and who failed to present an acceptable form of identification.

SECTION 3. Tennessee Code Annotated, Section 57-3-404(b), is amended by deleting the language “a licensed retailer,” and by substituting instead “a licensed retailer or retail food store licensed to sell wine pursuant to Section 2 of this act,”.

SECTION 4. Tennessee Code Annotated, Title 57, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

57-1-1___. As used in §§ 57-1-110, 57-3-204(c), 57-3-404 to the extent the retail food store is not exempt pursuant to Section 2 of this act, 57-3-406 (b)-(h), and 57-4-302, “licensed retailer” or “retailer” shall be construed to include and apply to retail food stores which have been issued a wine at food store license.

SECTION 5. Tennessee Code Annotated, Section 57-3-201, is amended by adding the following language as a new, appropriately designated subdivision:

() Wine at retail food store license.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.